

Notice of Allowability

Application No.

10/758,562

Examiner

Catherine M. Joyce

Applicant(s)

SAITO ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed Sept. 18, 2007.
2. ☒ The allowed claim(s) is/are 2,5,7,9,10,15,16,18 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date June 7, 2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SHANON FOLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1800

Art Unit: 1642

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
2. The Amendment filed September 18, 2007 in response to the Office Action of June 18, 2007 is acknowledged and has been entered. Claims 1, 3-4, 6, 8, 11-14, 17, 20-21, and 24-25 are canceled, claims 2, 5, 7, 9-10, 15-16, 18-19, and 22-23 are pending, claims 19 and 22-23 are withdrawn from consideration as being drawn to non-elected invention, and claims 2, 5, 7, 9-10, 15-16, and 18 are under prosecution. Claim 19 is also hereby rejoined for prosecution and allowance.
3. The application has been amended as follows:

Claims 22 and 23 are canceled. .

Claim 2: An isolated polynucleotide consisting of a the nucleotide sequence encoding the polypeptide represented by SEQ. ID. No. 1, wherein the nucleotide sequence encoding the amino acid sequence of SEQ. ID. No. 1 is a the nucleotide sequence of SEQ. ID. No.2.

Claim 5: A recombinant expression vector comprising a polynucleotide encoding a the polypeptide of SEQ. ID. No. 1, wherein said polynucleotide encoding a the polypeptide of SEQ. ID. No. 1 is the polynucleotide of claim 2 and is operably linked to a promoter so as to allow expression of said polypeptide in a human host cell.

Claim 7: A An isolated host cell containing the recombinant expression vector of Claim 5, wherein the host cell is ~~selected from~~ a human cell-line.

Claim 9: A process for producing a recombinant polypeptide of SEQ ID NO:1 or its salts ~~of SEQ. ID. No. 1~~, comprising the steps of:

Art Unit: 1642

culturing the host cell of Claim 7 under conditions such that the host cell produces said polypeptide or its salts; and
collecting said recombinant polypeptide or its salts from the culture of the host cell.

Claim 15: A polynucleotide probe consisting of a nucleotide sequence that is completely complementary to a region of nucleotides 2511 to 2813 of SEQ. ID. No. 2, wherein said polynucleotide probe has the same length as that of the region of nucleotides 2511 to 2813.

4. Authorization for this Examiner's Amendment was given in a telephone interview with Ken Sakurabayashi on September 21, 2007.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Joyce whose telephone number is (571) 272-3321. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley, can be reached at 571-272-0898. The fax phone number for this Art Unit is (571) 273-8300.

Catherine M. Joyce
Patent Examiner
Art Unit 1642


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